

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
(Charlotte Division)

In re:)	Chapter 7
)	
Applied Machinery Rentals, LLC)	Case No. 23-30461
)	
Debtor.)	

EX PARTE MOTION TO CONDUCT RULE 2004 DISCOVERY

Cole Hayes, Trustee for the estate of the above captioned Chapter 7 bankruptcy (the “Trustee”), requests the Court enter an order permitting the Trustee to serve document subpoenas on entities that were engaged in the sale and purchase of luxury automobiles with the Debtor and its insider(s). In support thereof, the Trustee respectfully asserts the following:

1. The Trustee is aware that the Debtor’s owner, who took his life just prior to the filing of this bankruptcy case, was using Debtor funds to buy luxury automobiles from affiliated entities including Metrolina Auto Group, LLC, Metrolina Auto Group Holdings, LLC, MAG South, LLC, and/or Metrolina Auto Group Southend, LLC (collectively, the “2004 Parties”).

2. The Trustee has learned of at least one instance where a vehicle purchased by the Debtor was sold to one of the 2004 Parties but the Debtor continued to make payments on the lien owed on the vehicle notwithstanding the sale.

3. The Trustee has reason to believe that documents in the possession of 2004 Parties may lead to the discovery of fraudulent transfers or other assets that can be liquidated for the benefit of the Debtor’s creditors.

4. The Trustee requests to serve subpoenas on the 2004 Parties to obtain documents related to the 2004 Parties’ transactions with the Debtor and its insiders.

WHEREFORE, the Trustee requests that the Court enter an order pursuant to Bankruptcy Rule 2004 authorizing the relief requested herein, and for such other relief as the Court deems just and proper.

Dated: Charlotte, North Carolina
July 28, 2023

/s/ Cole Hayes
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Trustee and attorney for the Trustee